

State of Tennessee
Department of Labor and Workforce Development
State Office Annual Report
October 1, 2009 – September 30, 2010

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INTRODUCTION

The Tennessee Occupational Safety and Health Administration (TOSHA) was created by legislation in 1972 and became operational in July 1973. The program operated as a dual-designee with the health functions housed in the Tennessee Department of Health and the safety functions in the Department of Labor until July 1977. At that time the General Assembly enacted legislation to transfer the health function to the Department of Labor. The Tennessee Occupational Safety and Health Administration program was certified in May 1978 and final (18-E) determination was achieved in July 1985.

The General Assembly enacted legislation giving Tennessee OSHA the mission of ensuring that employers furnish a place of employment which is free of recognized hazards and provide a safe and healthful workplace. Tennessee OSHA's primary objective is to improve occupational safety and health in workplaces throughout the state. The worker population in Tennessee is approximately 3,080,000. There are approximately 140,000 employers in the state with a comparatively high percentage of construction work sites.

Tennessee OSHA achieves this objective through:

- Enforcement of the General Industry, Construction, Agricultural Occupational Safety and Health Standards and Tennessee Department of Labor and Workforce Development Rules for private and public sector employees.
- Delivering training programs designed to target the most prominent injuries and illnesses affecting Tennessee workers.
- Providing Tennessee Department of Labor and Workforce Development Rules and OSHA General Industry, Construction and Agriculture Standards at cost.
- Providing interpretations of Tennessee OSHA Standards.
- Providing assistance to employers, employees and the general public on controlling hazards in the workplace by answering technical questions on a daily basis.
- Administering the consultation program to advise and assist employers in the improvement of occupational safety and health in their work places.
- Maintaining employer recognition programs to promote safe and healthful workplaces.

Tennessee OSHA's program services are delivered through a central office in Nashville and field offices located in six strategic geographical areas with twenty IMIS Reporting IDs. Those areas are as follows:

- Nashville - 0454700, 0454712, 0454722 and 0454732
- Memphis - 0454711, 0454721 and 0454731
- Knoxville - 0454714, 0454724 and 0454734
- Chattanooga - 0454713, 0454723 and 0454733
- Jackson - 0454715, 0454725 and 0454735
- Kingsport - 0454716, 0454726 and 0454736
- Consultation – 0494701

The Tennessee OSHA website (Compliance and Consultation) is located at www.tn.gov/labor-wfd/tosha.html. All current directives, the Tennessee OSHA Act, and Tennessee OSHA state rules are accessible from the site.

As of September 30, 2010, there was 3 Industrial Hygiene Compliance Officer, 3 Occupational Safety Specialist, and 1 Industrial Hygiene Supervisor positions vacant. During October and November of 2010, the Industrial Hygiene Supervisor position, 2 Occupational Safety Specialist positions, and 1 Industrial Hygiene position, were all filled. Tennessee OSHA currently exceeds the Federal Benchmark of 22 Occupational Safety Specialists and 14 Industrial Hygienists positions.

MANDATED ACTIVITIES

Enforcement

During FY 2010, the compliance section conducted 2,014 inspections. Of these 1,542 were program-planned inspections, 237 were complaint inspections, 41 were accident or fatality inspections, and 500 complaints were addressed using phone/fax/letter procedures. As a result of these inspections 7,373 violations were cited and \$3,122,460 in penalties were assessed.

Complaints

During FY 2010, as indicated in the State Activity Mandated Measures (SAMM) complaint inspections were initiated in an average of 8.26 days following receipt of the complaint. Complaint investigations were initiated in an average of 2.18 days. Both were within the goal of 15 days for inspections and 5 days for investigations.

Fatalities

During FY 2010, 41 accident and fatality investigations were conducted. It is agency policy to conduct accident and fatality investigations as soon as possible and generally within one day of receiving notice of the incident. A letter is sent by the TOSHA Administrator notifying each victim's family that an investigation is underway and providing the family with contact information for the area supervisor overseeing the investigation.

Targeting & Special Emphasis Programs

Tennessee OSHA participated in the following national emphasis programs: Amputations, Hexavalent Chromium, Petroleum Refinery Process Safety Management, Combustible Dust, Recordkeeping, and Lead.

In addition, Tennessee OSHA also maintained the following local emphasis programs: Trenching and Excavation, Carbon Monoxide, Workplace Noise, and Fall Protection.

Medical sharps injuries in hospitals and ambulatory surgical centers were targeted by TOSHA under a targeting initiative.

Evaluation of Mandated Activities

Tennessee OSHA management reviews the State Activity Mandated Measures (SAMM) and the State Indicator Report (SIR), as well as other management reports periodically to assure the mandated activities are carried out effectively and efficiently. A review of the SAMM and SIR for FY 2010 indicated Tennessee OSHA generally met or exceeded federal activity results. Highlights include the following: Hazards were identified during 74.3% of programmed safety inspections (Federal data 69.1%) and during 83.2% of programmed health inspections (Federal data 55.4%); Safety Compliance performed

approximately 6.3 inspections per 100 hours (Federal data 5.5) and Health Compliance performed approximately 2.6 inspections per 100 hours (Federal data 1.9). Tennessee OSHA only vacated 1.8% of violations (Federal data 4.7) and reclassified 1.0 % (Federal data 4.0). Penalties were retained on 81.7% of violations issued (Federal data 63.0).

Areas of concern include serious classification of safety violations 46.0% (Federal data 81.0) and of health violations 37.9% (Federal data 70.2). Tennessee OSHA management, including the area supervisor and section manager, review reports to assure violations are properly classified. Proper classification will continue to be an area of focus in the future.

Public Sector Activity

During FY 2010, Tennessee OSHA performed 28.47% of all inspections in the public sector. Public sector employers were given the opportunity to participate in the public sector program during the first 2 years following the formation of Tennessee OSHA and again, by statute, between July 1, 2004, and July 1, 2006. State law mandates that Tennessee OSHA inspect these entities bi-annually. Participants in the program must designate a safety and health director & establish a safety and health program. Participants are not issued monetary penalties, however the Governor can remove a participant from the program for failure to comply with the TOSH Act. All public employers not currently participating in the program are treated as private employers as mandated by state law.

Citation and Inspection Review

All inspection reports and citations are reviewed by the industrial hygiene or safety area supervisor and the section manager. All citations are reviewed and issued by the TOSHA Administrator, or in his absence, the Assistant Administrator. Informal conferences are held by the area supervisor and reviewed by the section manager. All changes to the penalty or citation are reviewed and issued by the TOSHA Administrator or Asst. Administrator.

During FY 2010, 33 citations were contested and 8 were resolved before the Tennessee Occupational Safety and Health Review Commission. As of September 30, 2009 of the 49 contested cases remaining, 31 settlements were scheduled to be resolved pending approvals. The remaining 18 are pending resolution by settlement or hearing.

During FY 2010, a review of the SAMM indicated 3.3% of violations were vacated (Federal data 21.9%), 3.3% were reclassified (Federal data 11.7%), and 78.7% of the penalties were retained (Federal data 58.1) by the Review Commission.

Review of Bureau of Labor Statistic Data

A review of the Bureau of Labor Statistic (BLS) data, over the last five years, reveals a downward trend in the Days Away, Restricted, Transferred (DART) and the Total Case Incident Rate (TCIR).

	DART		TCIR	
Year	TN Private	US Private	TN Private	US Private
2009	1.9	1.8	3.8	3.6
2008	2.1	2.0	4.2	3.9
2007	2.2	2.1	4.5	4.2
2006	2.4	2.3	4.8	4.4
2005	2.5	2.4	4.8	4.6
2004	2.7	2.5	5.3	4.8

In 2009, the most recent BLS data available, Tennessee's TCIR of 3.8 for all industries including state and local governments is equivalent to that of the United State as a whole.

Training of TOSHA Compliance Personnel

Newly-hired TOSHA compliance officers are trained as outlined in the instruction "Initial Training Program for TOSHA Compliance Personnel" (TED-TN 001-00-018). The OSHA Training Institute (OTI) is used as the source of most of the training courses. As soon as possible upon hire, a new compliance officer is enrolled in the "Initial Compliance" course at OTI. Additional courses are scheduled as dictated in the instruction. Basic training is completed when the eight courses outlined in the instruction are completed. The training needs of all TOSHA compliance personnel are evaluated annually by the supervisors in each area office in conjunction with the section managers. Requests for individual OTI courses are submitted to the training and education office which schedules the approved courses. Compliance officers may be scheduled to attend two additional OTI courses each year based on the need of the CSHO or the local area office, more if a special need exists. OTI Education Centers and resources offering Council for Accreditation in Occupational Hearing Conservation (CAOHC)-approved courses, are utilized as needed.

TOSHA employees attended the 6 federal OSHA Webinars presented during FY 2010 for total of 156 hours of training. TOSHA employees also attend numerous presentations on subjects such as Reproductive and Developmental Health, Preventing and Mitigating Combustible Dust Fires and Explosions, H1N1 Flu, Heat Stress, and NFPA 70E. All TOSHA professional employees attended the 2010 Tennessee Safety and Health Congress. Twenty Industrial Hygienists attended the Tennessee Valley Section of the AIHA meeting in October.

In FY 2010, 14 compliance officers attended 12 different training courses at the OSHA Training Institute.

Standards

The Tennessee Commissioner of Labor and Workforce Development has the statutory authority to promulgate Tennessee Occupational Safety and Health (TOSHA) standards. Tennessee has generally adopted all federal standards that are applicable in Tennessee. Standards promulgated by federal OSHA are adopted by reference in Tennessee Department of Labor and Workforce Development rules. There were three (3) rule proposals submitted during this period that adopted all federal OSHA promulgated standards in FY 2010, timely. No state standards were adopted during this period; however, there were several rule changes dealing with non-standards-related issues. An instruction on “Citation and Form Letter Processing on the Personal Computer” was implemented, the NEP for Hexavalent Chromium was adopted, review of Jurisdictional “Coverage Reference - US DOL/OSHA and TDLWD/TOSHA”, update of LEP for Falls, Noise & Carbon Monoxide, evaluated “Handling of Cases To Be Proposed for Violation-By-Violation Penalties”, reevaluated “Petroleum Refinery Process Safety Management National Emphasis Program”, adopted “Severe Violator Enforcement Program (SVEP)”, Clarification of OSHA’s enforcement policies relating to floors/nets and shear connectors, Enforcement Procedures for High to Very High Occupational Exposure Risk to 2009 H1N1 Influenza and National Emphasis Program –Facilities that Manufacture Food Flavorings Containing Diacetyl.

On September 15, 2009, the Division adopted a new Field Operations Manual (FOM). The Tennessee State Occupational Safety and Health Plan was updated with four (4) plan changes during this period. The most significant plan change included the complete revision to Tennessee State Plan Part V - Field Operations Manual.

TOSHA adopted five (5) state specific program directives and seven (7) federal program directives during this time period. All directives are listed on the Division’s Web page.

TOSHA responded to 209 Open Records Act requests during this period. Of these requests there were 173 records releases that included 15,265 documents (pages) released. All Freedom of Information requests forwarded to the Division by federal OSHA were satisfied in a timely manner.

TOSHA received no request for a variance during FY 2010.

Voluntary Protection Program (VPP) and Safety and Health Awards Programs

The TOSHA Volunteer STAR VPP Program is administered according to the TOSHA VPP Policy and Procedures Manual. Tennessee OSHA recognizes only the STAR level of achievement.

Tennessee OSHA currently has 33 sites participating in the Volunteer STAR program. During FY 2010, two new facilities obtained Volunteer STAR status.

The Tennessee Department of Labor and Workforce Development Safety Award Program is designed to stimulate interest in accident prevention & to promote safety and health programs. These awards recognize manufacturing and construction employers across the state that, together with their employees, achieve and maintain safe and

healthful work sites based on worker-hours worked without a lost time or without a lost or restricted duty incident.

During FY 2010, TOSHA presented 13 Governor's Awards and 12 Commissioner's Awards. No exemption or other benefit, with the exception of recognition, is granted to the recipients.

Training and Education Outreach Program

A spring and fall schedule of training seminars is offered to the general public each year. The seminars focus on new regulations, basic requirements related to occupational safety and health, and current topics of interest. TOSHA works with many co-sponsors to offer seminars, including the University of Tennessee, The Tennessee Chamber of Commerce & Industry, and several state community colleges. The seminars are offered at various locations across the state.

TOSHA trainers also conduct short training programs and speeches for special events, meetings, and conferences upon request. The TOSHA training staff is currently comprised of 21 industrial hygienists and occupational safety specialists who are approved as trainers in addition to their compliance or consultative duties. In FY 2010, TOSHA trainers conducted 335 training sessions for 8,442 attendees. Of the responses the training program received from participants, 95% indicated the seminars help employers and employees provide a safe and healthful workplace

Tennessee OSHA publishes a free quarterly newsletter, "Together with TOSHA," mailed to approximately 18,000 persons/businesses and also distributed through TOSHA's Web site. The newsletter offers information, interpretations, best practices, and compliance recommendations on occupational safety & health topics.

Complaints About State Program Administration

During FY 2010, two complaints about state program administration was filed.

Discrimination

All allegations of discrimination were investigated by Tennessee OSHA in accordance with established policies and procedures. Allegations found to be of merit were settled or forwarded to the Attorney General's office for consideration for prosecution. During FY 2010, 53 complaints alleging discrimination in violation of T.C.A. 50-3-409 were filed. Of these, 4 were not covered by the statute, 3 were settled, 2 were withdrawn by the complainant, 1 was untimely filed, 20 were found to lack merit, 16 were closed because the complainant failed to cooperate, 1 was forwarded to the Attorney General's office for consideration for prosecution, and 5 are still under investigation.

Inspection Quality Assurance

Tennessee OSHA compliance officers are trained to perform the essential job functions in a professional and competent manner. Each compliance officer has a job plan and an annual evaluation with at least one interim evaluation during the year. Supervisors performing the annual evaluation accompany compliance officers on an inspection to assure inspection policies and procedures are followed. Newly hired compliance officers are trained as discussed in the training section.

Each inspection report and proposed citations are reviewed by the industrial hygiene or safety supervisor in the area office where the inspection was conducted. The inspection report and proposed citations are then forwarded to the industrial hygiene or safety section manager in the central office for additional review. All fatalities inspection reports are reviewed by the Assistant Administrator and all inspection reports and citations are reviewed by the TOSHA Administrator. All citations are issued by signature of the TOSHA Administrator, or in his absence by the Assistant Administrator, as required by state law.

The review of each inspection file and citations by each management level provides continuous assurance of quality work and consistency across all area offices.

Annual Performance Goals

The first five-year plan changed the focus of Tennessee OSHA by concentrating activities on affecting workplaces where high injuries and illnesses were occurring. The second five-year plan enhanced those activities through increased collaboration with the Workers' Compensation and Research & Statistics Divisions. FY2010 was a 1-year plan.

All goals were achieved or exceeded with the exception of the goal to reduce amputations and additions to Volunteer Star.

Performance Goal 1.1

Eliminate 7,000 serious violations/hazards in workplaces where interventions take place.

Summary - Tennessee OSHA met this goal.

	Compliance	Consultation	Total
Inspections/Visits	2,014	494	2,508
Serious Violations/Hazards	4,248	2,931	7,179
Non-Serious Violations/Hazards	3,002	423	3,425
Repeated Violations	106	N/A	106
Willful Violations	17	N/A	17
Regulatory Hazards	N/A	378	378
Total Violations/Hazards	7,373	3,732	11,105

Performance Goal 1.2 - Carbon Monoxide

Reduce carbon monoxide exposures for 300 employees.

Summary – Tennessee OSHA met this goal

CO levels have been documented as reduced through elimination and engineering controls as follows:

FISCAL YEAR	COMPANIES	EMPLOYEES
2004	35	1,977
2005	31	960
2006	37	1,935
2007	29	1,846
2008	35	689
2009	19	721
2010	17	542

Compliance and Consultation documented the elimination of hazard communication hazards and reduced employees' exposure to CO.

FISCAL YEAR	COMPANIES	EMPLOYEES	HAZARDS
2004	176	3,683	509
2005	166	3,515	474
2006	202	2,992	541
2007	202	3,321	588
2008	252	3,713	757
2009	273	6,295	753
2010	237	6,015	674

Performance Goal 1.3 - Noise

Reduce noise exposures for 300 employees.

Summary - Tennessee OSHA met this goal.

Noise levels have been documented as reduced through engineering and hearing protection as follows:

FISCAL YEAR	COMPANIES	EMPLOYEES
2004	31	289
2005	33	232
2006	31	560
2007	45	566
2008	34	305
2009	28	1,017
2010	19	932

Compliance and Consultation documented the elimination of hearing conservation program violations and reductions of employees' exposure to noise.

FISCAL YEAR	COMPANIES	EMPLOYEES	HAZARDS
2004	108	2,155	396
2005	118	1,573	425
2006	105	1,426	387
2007	119	1,458	502
2008	88	1,015	372
2009	118	1,741	379
2010	82	1,486	319

Performance Goal 1.4 – Needlestick Reduction

Reduce the number of needlesticks in hospitals by 10% in five years.

Summary – TOSHA met this goal.

TOSHA obtained 2005, 2006, 2007, 2008 & 2009 Sharps Injury Logs from Tennessee hospitals and ambulatory surgical centers. TOSHA trainers performed training sessions for these facilities in six areas of Tennessee.

A comparison of the 2005, 2006, 2007, 2008, and 2009 needle stick logs was made. The results were a total reduction of 14.7 % in five (5) years. Tennessee OSHA exceeded our goal this year.

	2005	2006	2007	2008	2009	%
Hospitals	2,742	2,639	2,575	2,417	2,345	14.5
Surgery Centers	222	209	200	198	184	17.1

FISCAL YEAR	COMPANIES	EMPLOYEES	HAZARDS
2006	8	79	26
2007	57	5,850	397
2008	132	19,078	926
2009	102	15,144	644
2010	79	13,037	586

Performance Goal 1.5

Reduce the number of fatalities due to falls each year by 1.7% from a baseline of the average number of yearly fatalities (8.2) due to falls from 2003 – 2007. Tennessee OSHA continues to maintain a local emphasis program addressing fall hazards.

Summary – Tennessee OSHA met this goal.

FISCAL YEAR	FALL FATALITIES	FATALITIES
2004	9	46
2005	6	26
2006	9	47
2007	10	33
2008	11	35
2009	10	32
2010	7	31

Compliance and Consultation documented the elimination of fall hazards and reduced employees' exposure to falls by issuing citations and identifying hazards as outlined in the chart below.

FISCAL YEAR	COMPANIES	EMPLOYEES	HAZARDS
2004	445	1,313	880
2005	378	1,031	879
2006	422	1,137	875
2007	469	1,476	1,049
2008	521	1,123	1,606
2009	544	1,216	1,458
2010	418	1,147	805

TOSHA informs employers and employees about the Fall Hazard Special Emphasis Program during each inspection and visit. The goal is to increase employers and employees ability to identify fall hazards and reduce employee exposure to falls.

Performance Goal 1.6

Reduce the DART rate in Construction each year by 1.7%.

Summary – Tennessee OSHA met this goal.

Injury rates in the Construction industry were lower in 2008.

CONSTRUCTION

Totals of TOSHA inspectional activity:

FISCAL YEAR	COMPANIES	HAZARDS
2004	641	1,487
2005	572	1,512
2006	568	1,552
2007	642	1,702
2008	783	2,029
2009	731	1,955
2010	628	1,687

Construction

2003 DART	2.9
2004 DART	2.9
2005 DART	2.7
2006 DART	2.3
2007 DART	2.8
2008 DART	2.0
1-YR Change	-40.0 %
5-YR Change	- 45.0 %

Performance Goal 1.7

Reduce amputations by 1% each year using Tennessee Worker's Compensation data.

Summary – Tennessee OSHA did not meet this goal.

Amputations increased by 159 this year, however Tennessee OSHA continues to follow the national emphasis program on amputations.

Amputations

Totals of TOSHA inspectional activity:

AMPUTATION VIOLATIONS

	Companies	Violations/Hazards
2004	334	836
2005	374	1,004
2006	342	624
2007	386	750
2008	370	813
2009	334	681
2010	284	547

Amputation information is obtained from CPL 2-1.33. Violations in standards General Machine Guarding - 1910.212, Woodworking Machinery - 1910.213, and Power Presses - 1910.217 are counted. The SIC codes in the CPL include: 2421, 2431, 2434, 2448, 2451, 2499, 2511, 2541, 2542, 3089, 3429, 3441, 3442, 3443, 3444, 3469, 3496, 3499, 3599, 3714, and 3732.

Year	Amputations
FY2004	436
FY 2005	372
FY 2006	326
FY 2007	352
FY 2008	173
FY 2009	132
FY 2010	291

Performance Goal 2.1

Train 9,000 people in occupational safety and health training classes.

Summary – Tennessee OSHA met this goal.

FISCAL YEAR	SESSIONS	TRAINED
2004	588	7,011
2005	744	11,890
2006	823	13,369
2007	552	12,602
2008	565	12,258
2009	839	12,393
2010	799	10,417

Tennessee OSHA personnel performed seminar training for the public on the following subjects:

Accident Investigations	Basic Safety
Bloodborne Pathogens	10-hour Construction Course
Electrical Safety	Fall Protection
Fire Protection & Life Safety	Powered Industrial Trucks
Hazard Communication	Maintenance Related Standards
Noise	Laboratory Safety and Health
Lockout/Tagout	Machine Guarding
Respirator Requirements	Office Safety
Public Sector Update	Safer Needle Devices
TOSHA Overviews	Train the Trainer
Trenching	Walking and Working Surfaces

Performance Goal 2.2

TOSHA implemented significant improvements in employer occupational safety and health programs in 850 workplaces where Tennessee OSHA Compliance had an intervention.

Summary – Tennessee OSHA met this goal.

Inspection Results

FISCAL YEAR	EMPLOYERS	PROGRAM HAZARDS IDENTIFIED
2004	1,008	3,540
2005	965	3,832
2006	1,069	3,963
2007	1,123	4,440
2008	1,264	4,976
2009	1,303	4,760
2010	1,201	4,658

These program violations include emergency action plans, noise, emergency response, personal protective equipment assessment, respirators, confined space, lockout/tagout, fire prevention, bloodborne pathogens, hazard communication, excavations, process safety management and construction training.

TOSHA consultation performed 493 visits with program assistance. These program assistance visits provide the company with evaluation of their safety and health program and provide recommendations on how those companies can improve their programs.

Performance Goal 2.3

Evaluate and approve three employers for the Voluntary Protection Program (Volunteer STAR).

Summary – Tennessee OSHA did not meet this goal.

Two new companies were approved in FY 2010, however an additional employer was added to the program on Oct. 14, 2010, just after the close of the fiscal year.

Performance Goal 2.4

Evaluate and approve two new employers for the Safety and Health Achievement Recognition Program (SHARP).

Summary – Tennessee OSHA met this goal.

Tennessee OSHA Consultation Services approved three new companies during FY 2010.

Significant Penalties

[REDACTED] (\$79,650.00)

This inspection was initiated due to a referral from federal OSHA based on the National Emphasis Program for combustible dust hazards. The company produces an ingredient for animal feed. Waste products such as out of date cereal products and frozen waffles are brought in and combined with corn waste from bio-fuel plants (corn gluten) in a roto-mixer. This is then ground and chipped in a roto-chopper and roto-grinder. The waste packaging is separated when the product is milled. It is then loaded onto semi-trucks and shipped. The product is moved with conveyors and augers, and is scooped up and transported through the facility using powered industrial trucks. A sample of the grain dust that is produced was sent to the Salt Lake City Laboratory who determined that it is an explosive combustible dust. The dust in the roto-grinder area is a Class II dust that requires special electrical installations.

Serious violations were proposed for powered industrial trucks used around combustible dust and equipment was not intrinsically safe.

Willful violations were proposed for unsafe levels of combustible dust allowed to accumulate on walkways and machines, housekeeping, preventive maintenance, certification records not kept, and cyclones located inside the facility.

Two (2) non-serious violations were proposed.

[REDACTED] (\$62,000.00)

This inspection was conducted at [REDACTED] after a formal complaint was filed by the Safety Committeeman from the International Association of Machinists. This is a foundry that produces gray iron and ductile iron cast parts for municipal water system distribution and water treatment facilities. Major processes include melting and pouring of metals, creating and pouring molds, machining, finishing and painting of parts. There are 450 employees in the facility.

Serious citations were issued for Noise overexposures, noise engineering controls, not providing Grade D breathing air for oil-lubricated compressors, filters not maintained, carbon monoxide alarms non-functional, air not being checked, employees not trained, medical evaluations for employees using respirators, respirator fit tests, Powered Air Purifying respirators not inspected, SCBAs not inspected and no tags to show required checks, and confined spaces.

Repeat Serious citations were issued for housekeeping of combustible dust

Repeat Non-serious citations were issued for Spray Finishing

There were 5 Non-Serious violations.

[REDACTED] (\$51,000.00)

This inspection was initiated due to a formal complaint filed by the United Steel Workers of America union alleging that as a designated representative of employees, they had requested employee medical records as it related to hearing loss and audiograms and these records were not provided. The company did not provide the union copies of audiograms as requested. During the inspection the company's hearing conservation program was evaluated and numerous deficiencies were noted.

Serious violations were proposed for audiometric testing was not performed in an effective manner, employee's baseline audiogram not evaluated properly, according to requirements, or proper records kept.

Willful violation was proposed for not providing audiograms to the union when requested.

Non-serious violations were proposed.

[REDACTED] (45,275.00)

This inspection was the result of a referral to safety from health compliance. The company is based out of Sparta and has 92 employees. This is a sawmill with debarkers, gang saws, edgers, and conveyors.

Serious violations were issued for open sided floors, missing railings, floor openings, lockout/tagout/ machine guarding, walkways uneven, and electrical disconnects. There were 16 Non-serious violations.

[REDACTED] (\$41,500.00)

This inspection resulted from a double amputation on a mechanical power press. This company has 1200 employees and is based in Dickson, TN. Its main process is metal stamping. One repeat citation was issued for not utilizing LO/TO procedures. Serious citations were issued for: no periodic LO/TO procedure inspection, selector switch on press not being controlled and inadequately guarded power presses. Three non-serious recordkeeping citations were also issued.

[REDACTED] (\$40,600.00)

This company is located in Henry, TN with approximately 11 employees. A referral was made by a health CSHO and alleged several permit required confined space issues. This company washes out and bead blasts the insides of tanker trucks then re-lines them according to what the truck will transport next.

Serious citations are recommended for not keeping an above ground diesel tank separated from other above ground tanks.

Willful citations are recommended for no permit required confined space program, no testing the internal atmosphere before entering the tanks, no entry permit, no employee training for entrant, attendant, etc, attendant not remaining outside of permit required confined space during entry, no employee training on rescue duties, no one trained in First Aid/CPR, no annual practice entering spaces for rescue and employees not consulted on implementation of permit required confined space program.

Non-Serious citations are recommended for not having certification of forklift training for employees.

[REDACTED] (\$38,500.00)

This company is based out of Counce, TN with approximately 600 at this inspection site. This is a complaint inspection and the complaint alleged several crane and equipment violations.

Serious citations are recommended for not evaluating Lock Out/Tag Out procedure annually, wind device not operable on crane outside in wood yard and flagman not used to direct movement of crane.

Repeat Serious citations are recommended for unsafe conditions of a crane not corrected when identified on recent crane inspection.

Non-Serious citations are recommended for powered industrial trucks not removed from service when unsafe or defected were found and monthly inspection records of crane ropes not maintained.

[REDACTED] (\$33,750.00)

This inspection was conducted as a result of a complaint. This is in Jackson. They have 87 employees and 530 corporate-wide. The company uses raw manganese enriched ore and coal ore to produce electrolytic manganese dioxide.

Serious violations were issued for falling debris, gloves, confined space training, lockout/tagout, and eyewash stations.

A repeat citation was issued for fall protection.

There were 5 non-serious violations.

[REDACTED] (\$32,800.00)

This inspection was conducted in response to an employee complaint alleging unsanitary conditions at the workplace. This location contains the corporate national office complex, a transport trucking travel center for drivers, a garage and a training center. The training center contains an office complex, training rooms, medical exam room and motel rooms for their truck drivers and the drivers in orientation/training.

Non-serious violations of the housekeeping and sanitation standards were documented as well as non-serious violations of the hazard communication and personal protective equipment standards. Numerous violations of the recordkeeping requirements that had been cited previously by safety compliance were documented including OSHA 300 logs not being kept in complete detail, OSHA 300A summaries not having the correct number of days away and incorrect number of days transferred/restricted. The OSHA 300A summaries were not being properly certified. The logs were missing additional information such as the annual average number of employees and the total hours worked by all employees for the year.

Repeat Non-serious violations were proposed incomplete OSHA 300s for years 2004-2008 and 2009; OSHA form 300A was incomplete for years 2004-2008, and OSHA form 300A was not certified as required 2005-2008.

Non-serious violations were proposed.

[REDACTED] (\$29,400.00)

This was a fatality investigation due to a rebar column collapse during bridge construction. The company has 150 employees, is based in Cleveland, TN., and its main business is bridge construction. Several fall protection issues were identified along with the rebar collapse. Citations were issued for: lack of site inspections by a competent person, inadequate instruction in recognition and avoidance of hazards, rebar columns not adequately supported, and ladder violations.

[REDACTED] (\$28,350.00)

This was a referral inspection from Federal OSHA. The facility is located in Covington. There are 126 employees with 4,000 corporate-wide. The company receives copper rods

to manufacture gas valves. They are cut-to-length, formed into fittings, packaged and shipped.

Serious violations recommended were wet floors, lockout/tagout, machine guarding, and mechanical power presses.

There were 15 non-serious violations.

SPECIAL ACCOMPLISHMENTS

- The Administrator attended the OSHSPA meetings in Arlington, Virginia, Baltimore, Maryland, and Springfield, Illinois.
- The Assistant Administrator has been appointed to the Advisory Committee on Construction Safety and Health. He attended three meetings during this past year in Washington DC.
- The Tennessee Occupational Safety and Health Review Commission met twice in the 2010 Fiscal Year. Eight cases were resolved during these meetings; two through settlements, and three by Default Judgment. Three were dismissed by Agreed Order. Two legal briefs were submitted.
- As of September 30, 2010 of the 49 contested cases remaining, 31 settlements were scheduled to be resolved pending approvals. The remaining 18 cases are being actively worked by the Tennessee OSHA Legal section.
- During the 2010 Federal fiscal year, there were 33 new contested cases.
- The VPP Manager attended the Annual Region IV VPPPA Conference.
- Twenty (20) Industrial Hygienists attended a two day AIHA Fall Conference in Knoxville
- Tennessee OSHA maintains a list of engineering controls and engineered sharps injury prevention devices, provide these to the public at our healthcare seminars, and have put it on Tennessee OSHA's web-site. It is updated on the web-site when changes are made.
- Tennessee OSHA compliance officers and consultants answered approximately 17,500 technical assistance calls that were received from the public.
- Tennessee OSHA co-sponsored the 33rd annual Tennessee Safety and Health Congress with the American Society of Safety Engineers. The Congress was attended by more than 600 delegates.
- Tennessee OSHA produces and distributes a quarterly newsletter, Together with TOSHA with a circulation of over 18,000.
- A service that provides language interpreters via cell phones is used by compliance officers and consultants on inspections and visits when necessary.
- Tennessee OSHA partnered with the following safety organizations to conduct training:
 - Tennessee Chamber of Commerce and Industry
 - University of Tennessee Center for Industrial Studies
 - Giles County Industrial Safety Council

Lawrence County Industrial Safety Council
Bristol Area Safety Council
Cleveland Area Safety Council
Kingsport Area Safety Council
City of Lewisburg
Giles County Chamber of Commerce
Tennessee Safety and Health Congress
Associated General Contractors
Associated Builders and Contractors
American Society of Safety Engineers
American Industrial Hygiene Association

- Training was provided at the following educational institutions:
 - East Tennessee State University
 - Tennessee Technological University
 - Motlow State Community College
 - Meharry Medical School
 - Middle Tennessee State University
- The Tennessee OSHA industrial hygiene laboratory was re-accredited by the American Industrial Hygiene Association in atomic absorption spectrometry, gas chromatography, UV-visible spectrometry, phase contrast microscopy, gravimetric analysis, inductively coupled plasma with mass spectrometry detection, ion chromatography, high performance liquid chromatography and ion selective electrode analysis.
- Presented a program on the hazard of combustible dust for the TVS-AIHA (Nov. 23).
- The Tennessee OSHA Public Sector division met with all Tennessee state agency safety directors quarterly to assist them in developing workplace safety and health programs and address employee safety and health issues.
- As the only occupational medicine residency program in the state of Tennessee, Meharry Medical College has played an important role in ensuring an adequate supply of qualified professional occupational health practitioners in the state. Tennessee Occupational Safety and Health Administration (TOSHA) is proud to have supported the training of occupational medicine residents from Meharry Medical College for more than 2 decades by providing opportunities for practicum experience. These experiences enable residents to gain an understanding of public health policy development and enforcement and appreciate TOSHA's roles in occupational safety and health, including enforcement, standards, guidance, compliance assistance and jurisdictional oversight. In conjunction with the Meharry Medical School Residency Program Partnership, TOSHA trained one occupational medicine resident this year.
- TOSHA's Industrial Hygiene staff participated in the H1N1 Directive webinar sponsored by Federal OSHA on December 13, 2009.
- TOSHA obtained permission and provided a copy of the American College of Surgeons ST-58 Statement on Sharps Safety covering recommendations by them on the use of blunt suture needles, hands free passing of surgical instruments, double

gloving and the use of sharps with engineered protection to all licensed hospitals and ambulatory surgery centers in the state.

- Information on TOSHA's Sharps Injury Targeting Initiative was provided to the Nashville Area Federal OSHA office to assist them in developing a sharps injury prevention emphasis program.
- Worked with Meharry Medical College to develop a standardized training plan for the Meharry Medical College/TOSHA Occupational Medicine Residency Program.
- TOSHA adopted the National Emphasis Program on Hexavalent Chrome.
- Tennessee OSHA maintains a list of engineering controls and engineered sharps injury protection devices, provides this to the public at healthcare seminars and has put in on Tennessee OSHA's web-site. It is updated on the website when changes are made.
- Results from TOSHA's Sharps Injury Targeting Initiative data collection of sharps injuries in all licensed hospitals and surgery centers showed a 14.7% decrease statewide in sharps injuries from the 2005 sharps injury logs. Logs were collected from all hospitals and surgery centers licensed by the State of Tennessee Department of Health. The goal was a 10% reduction in five years.